

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CENTRAL LABORERS' PENSION,
WELFARE AND ANNUITY FUNDS,**

Plaintiffs,

v.

**ABERNATHY CONSTRUCTION CO., LLC,
and JASON ABERNATHY, individually,**

Defendants.

Case No. 10-cv-777-DRH


ORDER

HERNDON, Chief Judge:

Now before the Court is Plaintiffs' Notice of Voluntary Dismissal, Without Prejudice (Doc. 7). The Court **ACKNOWLEDGES** said Notice and the fact that Defendants have neither served their Answer or motion for summary judgment. As such, pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i)**, this matter is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 8th day of December, 2010.

 
David R.
Herndon
2010.12.08
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**Chief Judge
United States District Court**